

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ELVIS CAMILLO RENTERIA LOPEZ,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

4:15-cv-05108-SAB

**ORDER DENYING PETITION
WITHOUT PRJEUDICE**

By Order filed December 18, 2015, ECF No. 8, the Court advised Petitioner of the deficiencies of his *pro se* Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254, and directed him to amend within sixty (60) days. The filing fee has been paid. Petitioner did not comply with the Court's directive and has filed nothing further in this action.

Petitioner did not name a proper party Respondent. *See Rule 2(a), Rules Governing Section 2254 Cases in the United States District Courts; Stanley v. Cal. Sup. Ct.*, 21 F.3d 359, 360 (9th Cir. 1994). In addition, his request for a "stay and abeyance" was not necessary to accommodate concerns regarding exhaustion and limitations periods under *Rhines v. Weber*, 544 U.S. 269, 277 (2005). Petitioner

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¹ also conceded that his claims were unexhausted. See *Rose v. Lundy*, 455 U.S. 509, 518-22 (1982).

Therefore, IT IS ORDERED:

1. The Petition, ECF No. 3, is **DISMISSED without prejudice** for lack of jurisdiction and for failure to exhaust available state court remedies.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, enter judgment, forward a copy to Petitioner at his last known address, and close the file. The Court further certifies that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

DATED this 29th day of February, 2016.



Stanley A. Sestan

Stanley A. Bastian
United States District Judge